

In The United States District Court
For The Western District of Virginia
Charlottesville Division

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

Siner, et al, Plaintiffs vs.
Kessler, et al, Defendants
Civil Action 3:17

JAN 26 2022

JULIA Q. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

Sworn Declaration of Christopher
Cantwell Dated 1-25-2022

I, Christopher Cantwell, do aver under
penalty of perjury on this 25th day
of January 2022 that the following
is true and correct.

- 1.) On the evening of January 5th 2022
Case Manager Simpkins gave me ~~the~~
the BP-20(13) forms required to
escalate my BP-9 to the Regional
Director of the BOP.
- 2.) Also on the evening of January 5th
2022, Unit Manager Wallace informed
me at mail call that a substantial
amount of mail was pending approval
for me, but gave me only a newspaper.
- 3.) On January 6th the property stored
before my October transport was
returned to me.
- 4.) On January 6th I sent an electronic
Staff Request aka "Cop Out" to Case
Manager Simpkins volunteering to go to
the ADX ~~aka~~ "Super Max" facility if
that would allow me to possess my
legal papers and litigate this matter.

5.) In my sworn declaration dated January 5th, I noted that typewriter supplies were out of stock in commissary, based on an item posted to the Prison's electronic bulletin board titled to the effect of "Out of stock list for ~~Jan~~ January 5th."

6.) Subsequent to that declaration being sent to the Court, that bulletin was removed. It was not replaced before our commissary orders had to be turned in on January 7th.

7.) On my January 7th commissary order I requested typing supplies to include paper, ink, typing wheel, and corrective tape.

8.) On Monday, January 10th I was given my first post trial correspondence from the Plaintiffs by Intelligence Research Specialist Kathy Hill. It was dated December 8th, and was a motion by Agbeko Petty to withdraw as counsel of record. As of this writing at 11:40am on January 10th, I have received no other post trial correspondence from the Plaintiffs.

9.) On January 10th my commissary order was delivered, containing paper but no other typing supplies.

10.) On January 10th I asked Case Manager Simpkins about the status of the discovery computer, the storage devices holding my discovery data, and the documents kept from my possession. He said he would get back to me the next day.

11.) On January 11th I received a letter to Judge Moon from Plaintiff's Counsel Robert A. Kaplan dated 12-27-2021, ECF 1509; I also on this day received from the Court ECF 1504, 1505, and 1506 in one envelope. I also received from the Court another envelope ~~from the~~ containing the completed Verdict form, ECF 1478 as well as ECF 1500, 1504, 1505, and 1506.

12.) On January 11th I was summoned by case manager Simpkins to review the documents of paragraph 10. These were all sent in September of 2021, and included the 2nd Amended Complaint, delivered 9-18-21 but only made available to me by USP Marion on October 9th and only in the presence of Case Manager Simpkins. Also included were a pile of documents too voluminous to fully inventory, but appeared to consist mostly of responses to Defendant's interrogatories & Plaintiff's. Also included was Plaintiff's collective response to several of my pretrial motions.

13.) I was allowed access to these documents from approximately 11:30 am to 1:00 pm before Case Manager Simpkins had to leave and take the documents with him. He said we would have more time on January 12th.

14.) On January 12th I did not see Mr. Simpkins until mail call at 1:30 pm, at which point he told me I would not be able to view the documents until January 13th.

15.) On January 12th I mailed my appeal of the Warden's decision on my legal mail to the regional director in Kansas City.

16.) On January 13th, Case Manager Simpkins summoned me at 10:00 am for a call with my public defender regarding my criminal appeal. After it concluded, I asked him about access to my documents, and he said he would return with them later.

17.) On January ~~12~~ 13th I was informed that the Central Virginia Regional Jail did not include the USB drives which were sent to me by Plaintiff's counsel when they gave my property to my Virginia resident friend after I was sent back to USP Marion.

18.) On January 13th, Mr. Simpkins returned for mail call at 2:20 pm and allowed me access to my documents,

On 1-13-2022 19.) At mail call I was given ECF 518, a motion to withdraw as counsel by Michael Bloch, dated 1-3-22 and postmarked 1-5-2022

On 1-13-2022 20.) Mr. Simpkins told me he had to leave at 3:30 pm and that I could next access the documents the following Tuesday, 1-18-2022.

21.) On or about 1-11-2022 I updated my BOP contact information for Plaintiff's Counsel, Michael Bloch to include his cell phone.

22.) On Monday, 1-17-2022 the BOP administratively blocked both the office number for Kaplan Hecker & Fink, and Mr. Bloch's cell phone.

23.) On 1-17-2022 I sent an electronic Staff request to IRS K. Hill asking why I was blocked from calling Mr. Bloch.

24.) On 1-18-2022 I saw Mr. Simpkins at mail call at about 1:30 pm. I asked him about my documents and he said "Not today."

25.) On 1-18-2022 I saw IRS K. Hill at mail call at about 1:30pm. I asked her why Mr. Bloch had been administratively blocked in my contacts. She said my analyst was looking into it, but it was "not something they did".

26.) On 1-13-2022, Ms. Johnson told me and several other inmates that the commissary had been restocked with "three trains".

27.) On my order for 1-18-2022 I requested a typing wheel, ink ribbon, and corrective tape. Only the ribbon was available.

28.) On 1-19-2022 I attempted to add Plaintiffs' counsel Roberta Kaplan to my contacts, but since the office phone number was administratively blocked, I could not add it. I promptly sent an electronic Staff Request to Ms. Hill about the problem.

29.) On 1-19-2022 there was no mail call, and I did not see Simpkins, Hill, or Wallace.

30.) On 1-20-2022, there was no mail call, and I did not see Simpkins, Hill, or Wallace.

31.) At mail call on 1-21-2022 Ms. Hill said of my contact problem, that "CTU said they didn't do it, so I'm checking with trust fund".

32.) At mail call on 1-21-2022 Ms. Hill gave me a letter from a supporter dated 12-4-2021 and postmarked 12-6-2021

33.) At mail call on 1-21-2022 Ms. Hill gave me two ~~not~~ notifications from the Administrative Remedy Coordinator, acknowledging receipt of my ~~Admin~~ Administrative Remedy Appeals stating "Additional time is needed to respond to the administrative remedy request identified below. We are extending the time for response as provided for in the program Statement."

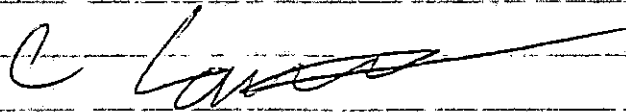
34.) The next time I saw Mr. Simpkins was on 1-24-2022, At 12:00pm, I asked Mr. Simpkins for access to my documents. He asked "Is it okay if we do it tomorrow?" I explained "No portion of this is okay. I need those documents, but if I have to wait I'll wait." I also asked him about the discovery computer, and he told me it was still unavailable, and would be for some time.

35.) As of 5:00pm January 24th, my contact for Roberta Kaplan's postal address had not been approved.

36.) As of 5:00pm January 24th, there was no explanation for Plaintiffs' counsel's phone numbers being blocked.

37.) As of 5:00pm January 24th there was no response to my offer to go to ADX, in order to gain access to my documents.

~~IS~~ Respectfully Submitted
Christopher Cantwell
1-25-2022



EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: JANUARY 21, 2022

FROM: ADMINISTRATIVE REMEDY COORDINATOR
MARION USP

TO : CHRISTOPHER CANTWELL, 00991-509
MARION USP UNT: I QTR: I03-013L

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE ADMINISTRATIVE REMEDY REQUEST IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 1097454-F1
DATE RECEIVED : OCTOBER 1, 2021
RESPONSE DUE : NOVEMBER 10, 2021
SUBJECT 1 : COMMUNICATION MANAGEMENT UNIT
SUBJECT 2 : PHONE CALLS (EXCEPT LEGAL CALLS)

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Cantwell, Christopher, C 00991-509 F Marion
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

I was out on a writ when this was answered in November 2021, and only got it on January 3rd 2022. I am a prose Defendant in a civil lawsuit, in the Western District of Virginia, Sines v. Kersler 3:17-cv-00072-NKM. My legal mail is being intercepted and kept from me, I am told this is because it is "sensitive". I have had well documented problems in court because I am not even informed that the mail arrives. It is held for "review" by CTU, sometimes for several weeks, and during those weeks, decisions are made by the court per a 2 week scheduling order. I am then only allowed to view the documents in the presence of my case manager who is only here a brief period of days a week. The material is not pornographic or gang related. The case went to trial and returned a mixed verdict. I need my documents for post trial motions and appeal.

1-12-2022

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



TRULINCS 00991509 - CANTWELL, CHRISTOPHER - Unit: MAR-I-A

FROM: 00991509

TO: CMU

SUBJECT: ***Request to Staff*** CANTWELL, CHRISTOPHER, Reg# 00991509, MAR-I-A

DATE: 01/06/2022 03:42:15 PM

To: Simpkins

Inmate Work Assignment: None

I had an idea which might solve the issue of having my legal papers on the unit.

Hale tells me at ADX you basically never leave your cell. You have a TV and a shower therein.

I'm not here to make friends. You could put me there if it would allow me to litigate. I'll be interested in your thoughts on the subject.

TRULINCS 00991509 - CANTWELL, CHRISTOPHER - Unit: MAR-I-A

FROM: 00991509

TO: CMU

SUBJECT: ***Request to Staff*** CANTWELL, CHRISTOPHER, Reg# 00991509, MAR-I-A

DATE: 01/17/2022 11:16:52 AM

To: Hill

Inmate Work Assignment: None

I attempted to add a second phone number to approved contact Michael Bloch.

Today I logged in and saw I had updates to my contacts, and found that now, both of Mr. Bloch's phone numbers were administratively blocked.

I have never called Mr. Bloch. He's Plaintiffs' counsel in the lawsuit I've been fighting. There's definitely not a good reason for blocking this contact, and I'm very interested to hear the excuse for it.

TRULINCS 00991509 - CANTWELL, CHRISTOPHER - Unit: MAR-I-A

FROM: 00991509

TO: CMU

SUBJECT: ***Request to Staff*** CANTWELL, CHRISTOPHER, Reg# 00991509, MAR-I-A

DATE: 01/19/2022 10:00:19 AM

To: Hill

Inmate Work Assignment: None

Today I attempted to add Mr. Bloch's boss, Roberta Kaplan, to my contacts. Unfortunately, since the office number was blocked when I added Mr. Bloch's cell phone, I cannot add the office number for Ms. Kaplan.